

The Bob Bennett Law Firm and the USMLE/NBME Irregular Behavior Hearing

The Bob Bennett Law Firm has become one of the foremost defenders of physicians in medical licensing disputes in the nation. Few firms attempt, much less excel in overcoming, the daunting task of protecting able-minded medical graduates from one of the most feared obstacles in their medical journey: an accusation of irregular behavior by the United States Medical Licensing Board. Mr. Bob Bennett is one of the only attorneys in the nation currently dealing with USMLE licensing matters, with nearly 40 years of legal experience. Mr. Bennett has been before the USMLE Committee for Individualized Review countless times, and is well-versed in the intricacies of the USMLE testing process, as well as its sometimes capricious actions.

Unfortunately, for future USMLE test-takers, the purported behaviors that could ultimately lead to an allegation of irregular behavior are simply too vague and too vast to cover in this short article. It would be infinitely easier to explain the reasons why one should hire professional help of the highest caliber in order to dismiss these potentially career-ending accusations.

For one, it is important to understand exactly just how vague the guidelines by which USMLE judges irregular behavior truly are. This ambiguous nature allows USMLE to scrutinize any out-of-the ordinary behavior, causing potential trouble for the unsuspecting medical candidate. According to USMLE's 2013 Bulletin of Information, "irregular behavior includes any action by applicants, examinees, potential applicants, or others when solicited by an applicant and/or examinee that subverts or attempts to subvert the examination process." As evidenced

here, the average medical student is left in the dark as to what actions specifically can land them in hot water.

One such case involved a young candidate who graduated from an Ivy League medical school unknowingly acted in a way that USMLE took to be an attempt at subversion of its examination process. The student wrote the number of questions skipped, or failed to answer, on one of the two tissues provided at the beginning of the exam, in order to calculate her highest possible score after she had left the testing room. The medical student did not mean to disrupt, alter or delay the process of testing in any way, being fully aware that the entire exam was being videotaped, as well as to the presence of very vigilant proctors. Unfortunately, in a rather absent-minded state, a result of sitting for a ten-hour examination, the student stuffed the tissue into a jacket pocket; the action was seen by a proctor, who then asked the student to throw away the tissue before she left the building. Confident that she had made nothing more than a simple mistake, she threw the tissue in the trash and left promptly after signing out. Regrettably for the USMLE, the tissue was not preserved, but instead destroyed; this action was a violation of the spoliation law, which stipulates the accuser must present evidence that is being used against the defendant for review by their legal counsel in order to potentially contest its validity before a determining body.

Mr. Bob Bennett successfully handled this case, making this due process challenge, along with providing ample witness testimonies and convincing interpretations of the USMLE Bulletin of Information, much of which proved extremely detrimental to the standing of the Committee and ultimately resulted in a favorable ruling for the client, for which she was immensely grateful. After she was notified of her verdict, she remarked that “Mr. Bennett was one of those individuals who helped me and supported me during a difficult time. He is excellent advocate

and is the correct person for USMLE cases and other medical profession cases. He works hard and will help and guide you. I strongly recommend him and suggest him to be your legal attorney.” The short review can be read in its entirety at www.avvo.com.

Rather than making matters worse and attempting to handle a case of this nature (one that could have been committed in a moment of ignorance, but could end with a life-changing verdict), it is important to acknowledge when one is in need of help. Appearing before the Committee for Individual Review (CIR), located at the USMLE NBME offices at 3750 Market Street, Philadelphia, Pennsylvania, is no easy task: the strenuous study of the USMLE guidelines, the gathering of witness testimony, the rigid organization and years of experience speaking before a board of professional medical authorities requires efficiency on a large scale. A matter of such high importance should not be done without the years of litigation experience that only an attorney can provide.

When the CIR receives a formal appeal or response to an accusation from a legal entity, they know they will now be dealing with a candidate who refuses to take a threat against their medical career lightly. Putting on a solid defense to the USMLE/NBME may be the only way to salvage a burgeoning medical career.

However, action must be taken as soon as you receive a letter detailing your actions. A response must be submitted to the Board, acknowledging your right to a fair hearing and due process. Failure to comply with these standards will result in permanent action that will affect a candidate's ability to apply to residency programs, take any future step exams of the USMLE, the ability to obtain a license in another state, or to participate in countless other medical employment opportunities.

With the proper representation, on the day of the hearing, the candidate will be responsible for nothing except making sure he is bodily and mentally present before the Committee. The Bob Bennett Law Firm will make sure that everything is done so that the best possible outcome results from these proceedings.